

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  ) ✓  
  v.        ) CR NO. 04-30034-MAP  
  )  
MICHAEL ALAN CROOKER                    )

MEMORANDUM AND ORDER RE: DEFENDANT'S  
MOTION TO SUPPRESS AND MOTION FOR RECONSIDERATION  
(Docket Nos. 47 & 56)

January 20, 2006

PONSOR, D.J.

Defendant has filed a motion to suppress the fruits of a search conducted on June 14, 2004 of a mail parcel detained by law enforcement agents on June 7, 2004. He has also moved for reconsideration of the court's earlier ruling denying his motion to dismiss.

The purpose of this brief memorandum is to put Defendant on notice of the court's rulings. Memoranda will issue at a later date setting forth the court's reasoning in more detail.

The Motion to Suppress (Docket No. 47) is hereby DENIED. Based on the four days of evidentiary hearings, the court has concluded that the actions of the law enforcement agents, while not perfect, reflected reasonable diligence under the

circumstances. United States v. LaFrance, 879 F.2d 1,4 (1st Cir. 1989). Similarly, the Motion for Reconsideration (Docket No. 56) is hereby DENIED. The allegations of the indictment are sufficient to entitle the government to present its case to the jury. The government will be allowed to offer evidence and argument that Defendant knew that the item being shipped by him possessed the characteristics of a silencer within the definition of the statute.

After some extensions, several additional motions have been filed by Defendant and are now pending before the court, awaiting opposition from the government. The government will file its opposition to all pending motions that it has not yet opposed, no later than February 17, 2006. The court will thereafter set Defendant's motions for argument, or, if necessary, for evidentiary hearing.

It is So Ordered.

  
MICHAEL A. PONSOR  
United States District Judge